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E-FILED - 2/10/10

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11
12 IN THE UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN JOSE DIVISION
15

16 YADIRA, et. al.;

17 Plaintiffs,

18 v.

19 JESUS FERNANDEZ dba MARIA'S
20 NIGHTCLUB; TONY'S POOL HALL
21 AND FLAMINGO NIGHTCLUB; DOES 1-
22 10;

23 Defendants,

CASE NUMBER: C 08 05721 RMW

[RELATED CASE: C 08 05722 RMW]

JOINT STIPULATION AND
PROPOSED ORDER TO RESET
DISCOVERY AND TRIAL DATE
AND ORDER

24
25 This case, Yadira v. Fernandez, C 08 05721 RMW, was filed at the same time as the
26 related matter, Mondragon v. Fernandez, C 08 05722 RMW. Both cases involve the same
27 Defendants, contain the same allegations and are based on largely the same facts. Parties in both
28 cases are represented by the same counsel. However, the issues in the case diverge in that in the

1 instant action the Plaintiffs are hourly employees, and in the other related matter, the Plaintiffs
2 are alleged salaried employees.

3 Initially, the related matter, Mondragon v. Fernandez, C 08 05722 RMW was before the
4 Hon. James Ware, but was reassigned to the Hon. Ronald Whyte so that both cases could be
5 before the same judge. On 1/29/2010, there was a CMC in the related matter setting trial dates
6 and discovery deadlines.
7

8 Therefore, the parties in the interest of efficient and effective case management wish to
9 reset the schedule in this matter, Yadira v. Fernandez, C 08 05721 RMW, to be consistent with
10 the dates now set in the related matter, Mondragon v. Fernandez, C 08 05722 RMW. The parties,
11 through their attorneys of record, jointly submit this stipulation and proposed order to reset the
12 discovery and trial dates in this matter:
13

14 **DISCOVERY**

- 15 1. The parties agree to the following discovery plan:
- 16 a. The fact discovery cutoff: August 20, 2010;
 - 17 b. Any and all written discovery will be propounded so that a response will be
18 received prior to the discovery cutoff date.
 - 19 c. If a party chooses to designate any expert witnesses, said designation shall be
20 made by: August 20, 2010;
 - 21 d. If a party chooses to designate any rebuttal expert witnesses in response to the
22 other party's initial expert witness designation, said designation shall be made
23 by: September 17, 2010;
 - 24 e. Discovery shall be per the FRCP;
 - 25 f. All expert depositions shall be completed by: September 30, 2010;
 - 26
 - 27
 - 28

1 **DISPOSITIVE MOTIONS**

2 2. The parties request a dispositive motions hearing date of: October 22, 2010;

3 **TRIAL SCHEDULE**

4 3. The parties request a trial date as follows: November 2⁹x 2010, at 1:30 p.m., Pre-trial
5 conference on November 4, 2010;

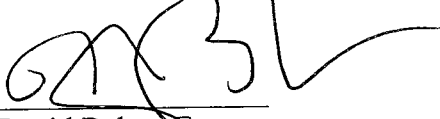
6
7 4. The parties expect that the trial will last for the following number of days:
8 seven court days.

9 **SIGNATURE AND CERTIFICATION BY PARTIES AND LEAD TRIAL COUNSEL**

10 Dated: January 22, 2010

11
12
13 //s// Adam Pedersen
14 Adam Pederson, Esq.
15 Attorney for Plaintiffs

16 Dated: January _____, 2010


17 
18 Robert David Baker, Esq.
19 Attorney for Defendant

20 **ORDER**

21 The above modification to the scheduling order is adopted, and the dates set in this
22 Scheduling Order shall control.

23 February

24 Dated: xxxxxxxx 9, 2010

25 
26 Honorable Ronald M. Whyte
27
28